

I. The Rejections Under 35 U.S.C. §103(a)

Claims 9-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goodall et al in view of Allen et al.

Claims 4-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goodall et al in view of Allen et al and Aoai et al.

Applicants respectfully submit that the present invention is not anticipated by or obvious over Goodall in view of Allen (and Aoai) and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

In the Office Action dated June 18, 2002, the Examiner states that the rejections are repeated from the Office Action of July 23, 2001. The Examiner's statement of each rejection remains essentially the same as previously stated. The only change is the Examiner's statement that "[p]ropylene glycol monomethyl ether acetate is one of the solvents added to claim 9 in the amendment filed May 21, 2002."

In the Office Action, the Examiner did not made any comments at all on Applicants' arguments set forth with the Preliminary Amendment filed May 21, 2002. Therefore, Applicants requested an interview to discuss the Examiner's position on Applicants' arguments as submitted with the Preliminary Amendment. Applicants wish to thank the Examiner for the helpful and courteous interview conducted on September 24, 2002. During the interview, the Examiner tentatively agreed with most of Applicants' position previously set forth in the

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Preliminary Amendment. However, the Examiner still alleged that the scope of the claims was too broad. In response, it was discussed whether Applicants had compared against the closest examples of the prior art and whether Applicants had compared the closest embodiments of the claims to the closest examples of the prior art. The Examiner tentatively agreed that the only comparison required would be a comparison against the closest examples of the prior art and the closest embodiments of the claims to the closest examples of the prior art.

Submitted herewith is a Declaration Under 37 C.F.R. §1.132 by Mr. Kenichiro Sato. The Declaration is unexecuted. The executed Declaration will be forwarded to the U.S. Patent Office as soon as it is received by the undersigned. The new §132 Declaration shows the unexpected improvements achieved by the use of Applicants' claimed resist compositions over the closest examples of the art of record. The new §132 Declaration includes new data and includes the data previously submitted in the Declaration filed December 21, 2001. Additionally, the typographical error noted by the Examiner in the Declaration filed December 21, 2001 at page 4, line 1, has been corrected (the term solvent has been corrected to surface active agent in the discussion of the data of Table 1 of the new §132 Declaration).

As to comparing the closest embodiments of Applicants' claimed invention to the closest art of record, as to the solvents, Goodall et al use PGMEA as the solvent. Additionally, S1 of Applicants' Declarations is PGMEA (see Applicants' specification, page 145 for the definition of S1). As to the resins disclosed by Goodall et al, the resins of Synthesis Examples 56, 57 and 58 are within the scope of the claimed resins. Accordingly, the comparative experimentation of the new §132 Declaration includes the resins of Synthesis Examples 56, 57 and 58. Therefore, Applicants respectfully submit that Applicants have compared against the closest examples of the prior art and Applicants have compared the closest embodiments of the claims to the closest examples of the prior art.

As is apparent from the results of Table 1 in the attached Declaration, the unexpected improvements of the present invention are obtained by combination of the specific acid decomposable resin, the photo-acid generator and the specific surface active agent (i.e., surfactant). The Examiner has raised the issue that the coating property can be improved by the surface active agent. However, it has not been reported that the improvements achieved by the present invention (i. e., less development defects, the improved defocus latitude depended on line pitch and less particle initial value) can be obtained by the mere use of surface active agents. There is the possibility that the performance of the central portion and the circumferential portion in-plane of the wafer may differ due to the fluctuation of the

coating property, but this phenomenon does not relate to or render expected the effects of the present invention. That is, the effects of the present invention are unexpected over the knowledge in the art relating to coating characteristics. One of ordinary skill in the art would not expect that the properties of “number of development defects,” “defocus latitude depended on line pitch,” and “particle (initial value)” to be properties that would directly relate to or be expected from coating characteristics. Thus, the comparative data is evidence of unexpected superiority and the results are not expected in view of the cited art. Rather, the unexpectedly superior effects of the present invention are due to the claimed combination of constituents.

As is apparent from the results of Table 2 in the attached Declaration, the unexpected improvements (i.e., the lower particle number at the initial stage and the reduced increase in particle number after storage) are obtained by the claimed combination of the specific acid decomposable resin, the photo-acid generator and the specific (mixed) solvent.

The comments by Applicants in the Preliminary Amendment filed May 21, 2002 are hereby incorporated by reference. As was discussed during the interview, the Examiner is requested to give full consideration to Applicants' comments. In particular, the Examiner is requested to give consideration to Applicants' comments as to how the comparative data of record is representative of

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the examples of the closest cited art of record and is commensurate in scope with the claimed invention. Additionally, entry and consideration of the new Declaration Under 37 C.F.R. §1.132 is also respectfully requested.

For the above reasons, it is respectfully submitted that the subject matter of claims 9-13 is neither taught by nor made obvious from the disclosures of Goodall in view of Allen; and that the subject matter of claims 4-8 is neither taught by nor made obvious from the disclosures of Goodall in view of Allen and Aoi. It is therefore respectfully requested that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

II. Conclusion

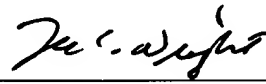
In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

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Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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